

Senate Bill No. 833

Passed the Senate June 1, 1999

Secretary of the Senate

Passed the Assembly September 7, 1999

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 1999, at _____ o'clock ____M.

Private Secretary of the Governor

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CHAPTER _____

An act to amend Section 24209 of, and to add Sections 24203.7, 24209.5, and 24209.7 to, the Education Code, relating to the State Teachers' Retirement System.

LEGISLATIVE COUNSEL'S DIGEST

SB 833, Ortiz. State Teachers' Retirement System: benefits.

The State Teachers' Retirement Law prescribes the method of determining the retirement benefits of members who reinstate and are eligible to receive multiple service or disability allowances.

This bill would prescribe the method of determining the benefits of (1) those members who first retired in 1998 and reinstated prior to July 1, 1999, and (2) those members who first retired prior to January 1, 1998, who reinstated for at least one year, and whose credited service equals or exceeds 30 years.

The people of the State of California do enact as follows:

SECTION 1. Section 24203.7 is added to the Education Code, to read:

24203.7. A member who retired for service with an effective date for which the first allowance was payable on or after January 1, 1998, but with an effective date prior to January 1, 1999, shall, effective July 1, 1999, have the allowance increased to the level that would have been received if Section 22717, as amended by Chapter 1006, Statutes of 1998, and Sections 24202.5 and 24203.5 had been in effect on the effective date of retirement.

SEC. 2. Section 24209 of the Education Code is amended to read:

24209. (a) Upon retirement for service following reinstatement, the member shall receive a service retirement allowance equal to the sum of both of the following:



(1) An amount equal to the monthly allowance the member was receiving immediately preceding reinstatement, exclusive of any amounts payable pursuant to Section 22714 or 22715, increased by the improvement factor that would have been applied to the allowance if the member had not reinstated.

(2) An amount calculated pursuant to Section 24202, 24202.5, 24203, 24203.5, or 24206 on service credited subsequent to the reinstatement, the member's age at retirement, and final compensation.

(b) If the total amount of credited service, other than that accrued pursuant to Sections 22714, 22715, 22717, and 22826, is equal to or greater than 30 years, the amounts identified in paragraphs (1) and (2) of subdivision (a) shall be calculated pursuant to Section 24203.5.

SEC. 3. Section 24209.5 is added to the Education Code, to read:

24209.5. (a) Notwithstanding Section 24209, a member who retired for service with an effective date for which the first allowance was payable on or after January 1, 1998, but with an effective date prior to January 1, 1999, and who reinstated prior to July 1, 1999, shall, upon retirement for service but no earlier than July 1, 1999, receive a service retirement allowance equal to the sum of the following:

(1) An amount equal to the monthly allowance the member would have been receiving immediately preceding the most recent reinstatement if Section 22717, as amended by Chapter 1006, Statutes of 1998, and Sections 24202.5 and 24203.5 had been in effect on the effective date of retirement, and exclusive of any amounts payable pursuant to Section 22714 or 22715, increased by the improvement factor that would have been applied to the allowance if the member had not reinstated.

(2) An amount calculated pursuant to Sections 24202.5, 24203, 24203.5, and 24206 on service credited subsequent to the reinstatement, the member's age at retirement, and final compensation.



(b) If the total amount of credited service, other than that accrued pursuant to Sections 22714, 22715, 22717, and 22826, is equal to or greater than 30 years, the amounts identified in paragraphs (1) and (2) of subdivision (a) shall be calculated pursuant to Section 24203.5.

SEC. 4. Section 24209.7 is added to the Education Code, to read:

24209.7. Notwithstanding Section 24209, a member who (1) retires for service on or after January 1, 1999, (2) had retired for service prior to January 1, 1998, subsequently reinstated to active status, and earned at least one year of credited service after reinstating to active status, and (3) had earned a total amount of credited service, other than pursuant to Sections 22714, 22715, 22717, and 22826, equal to or greater than 30 years, shall receive a service retirement allowance equal to the sum of both of the following:

(a) An amount equal to the monthly allowance the member would have been receiving immediately preceding the most recent reinstatement if Section 24203.5 had been in effect on the effective date of the retirement and, for purposes of Section 24203.5 only, the member had 30 or more years of credited service on the effective date of the retirement, and exclusive of any amounts payable pursuant to Section 22714 or 22715, increased by the improvement factor that would have been applied to the allowance if the member had not reinstated.

(b) An amount calculated pursuant to Sections 24202.5, 24203, 24203.5, and 24206 on service credited subsequent to the most recent reinstatement, the member's age at retirement, and final compensation.



Approved _____, 1999

Governor

